

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**v.**

**GARY THOMAS, JR.**

**CRIMINAL NO.** \_\_\_\_\_

**DATE FILED:** \_\_\_\_\_

**VIOLATIONS:**

**18 U.S.C. § 924(a)(1)(A) (making a false statement to a federal firearms licensee –**

**3 counts)**

**Notice of forfeiture**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Kayton Company, doing business as Army Navy Store, 1045 Grape Street, Whitehall, Pennsylvania 18052, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

2. Toonerville Junction, 522 West Maple Street, Allentown, Pennsylvania 18101, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

3. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearms Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 requires the purchaser to answer questions about the purchase, including a question, “Are you the actual buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person.” The Form 4473 also contains a warning that falsely answering yes to that question and falsely claiming to be the actual buyer of the firearm(s) is a crime punishable as a felony.

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth to ensure that the person was not prohibited from purchasing a firearm.

5. On or about each of the dates specified in the chart below, at Whitehall and Allentown, in the Eastern District of Pennsylvania, defendant

**GARY THOMAS, JR.**

knowingly made a false statement and representation with respect to the information required to be kept in the records of a federally licensed firearms dealer in connection with the acquisition of each of the firearms listed below, from the federally licensed firearms dealers listed below, certified on the Form 4473 that he was the actual buyer of the firearm, when, as defendant well knew, this statement was false and fictitious.

<b>COUNT</b>	<b>DATE, FFL AND LOCATION</b>	<b>FIREARM(S ) PURCHASED</b>
1	<p>August 28, 2002</p> <p>FFL: Toonerville Junction 522 West Maple Street Allentown, Pennsylvania 18101</p>	<p>Jennings, .380 caliber pistol, model M-38, serial number 1220729</p> <p>Hi-Point, 9 millimeter pistol, model BBP, serial number P117965</p>
2	<p>September 17, 2002</p> <p>FFL: Kayton Company, doing business as Army Navy Store 1045 Grape Street Whitehall, Pennsylvania 18052</p>	<p>Beretta, . 40 caliber pistol, model 96, serial number BER214013</p>
3	<p>September 17, 2002</p> <p>FFL: Kayton Company, doing business as Army Navy Store 1045 Grape Street Whitehall, Pennsylvania 18052</p>	<p>Glock, .45ACP caliber pistol, model 30, serial number EWT714US</p>

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

**NOTICE OF FORFEITURE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Section 924(a)(1)(A),  
set forth in this indictment, defendant

**GARY THOMAS, JR.**

shall forfeit to the United States of America the firearms involved in the commission of these  
offenses, including, but not limited to:

1. Jennings, .380 caliber pistol, model M-38, serial number 1220729;
2. Hi-Point, 9 millimeter pistol, model CBP, serial number P117965;
3. Beretta, .40 caliber pistol, model 96, serial number BER214013;
4. Glock, .45ACP caliber pistol, model 30, serial number EWT714US.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United  
States Code, Section 924(d).

\_\_\_\_\_**A TRUE BILL:**\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**